

**SECRET**

SECURITY INFORMATION

4 February 1952

MEMORANDUM FOR: Chairman, Career Service Committee

SUBJECT : Exemption of CIA from Performance Rating Act of 1950

1. The members of the former Working Group on Employee Rating met at 9:00 A.M. on 4 February 1952 at the request of the Executive Secretary of the Career Service Committee to discuss the suggestion made by the General Counsel that the term "outstanding" be included in the Personnel Evaluation Report. This suggestion had been made by the General Counsel in order to avoid request for legislative exemption from provisions of the Performance Rating Act of 1950 (p. L. 873). Present were Messrs. [REDACTED]

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2. The Working Group had assumed throughout its deliberations that exemption from the provisions of P. L. 873 would be requested and secured by CIA in accordance with the decision of the Office of Personnel in consultation with the Office of General Counsel (See Memorandum of Conversation of 3 October 1951).

3. The Working Group was unanimous in agreeing that legislative exemption from P. L. 873 is desirable and should be requested. This law makes the Civil Service Commission responsible for certain functions which impinge upon individual Agency operations. These functions are inconsistent with CIA's security requirements. It may be possible to gain from the Civil Service Commission informal agreement to make only "token" gestures in performing its control functions. However, such a concession would be an unsatisfactory alternative to exemption, since only the latter action would permanently clarify this Agency's status under the Performance Rating Act. Additional consideration should be given to the fact that the Act prohibits the use of a "performance rating, regardless of the name given to such rating, and no <sup>such</sup> rating shall be used as a basis for any action, except under a performance-rating plan approved by the Civil Service Commission". Since selection of personnel for assignment to various phases of the Development Program of the Career Service Program of CIA may require additional ratings or evaluations, this restriction might inhibit or impair that Program. Most aspects of CIA personnel administration have already been removed from administrative control of the Civil Service Commission, and it is desirable, and would be consistent, also to remove CIA employee performance rating from the jurisdiction of the Civil Service Commission.

4. The Working Group believes that the validity of the form would be impaired by the inclusion of factors inconsistent with the frame of reference under which the Working Group devised the Personnel Evaluation Report.

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